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MEMO ENDORSED

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December 6, 2023

VIA ECF

Hon. Edgardo Ramos
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 619
New York, NY 10007

The request to extend Sun, BitTorrent Foundation, Rainberry, and Tron Foundation's time to respond to the complaint, until February 16, 2024, is granted. SO ORDERED.

Edgardo Ramos, U.S.D.J.
Dated: December 7, 2023
New York, New York

Re: Securities and Exchange Commission v. Justin Sun, et al., Case No. 23-2433

Dear Judge Ramos:

We represent defendants Justin Sun, BitTorrent Foundation Ltd. ("BitTorrent Foundation"), Rainberry, Inc. ("Rainberry"), and Tron Foundation Limited ("Tron Foundation") (collectively, "Defendants") in the above-referenced matter. In accordance with Your Honor's individual rule of practice 1(E), we submit this letter motion requesting an extension of the deadline by which Defendants would otherwise be required to answer or respond to the complaint. Plaintiff, the Securities and Exchange Commission ("SEC"), has reviewed this letter motion pre-filing and consents to the requested extension.

The SEC filed this action on March 22, 2023. No scheduling order has issued yet. This is BitTorrent Foundation's and Rainberry's third request for an extension of their responsive pleading deadline, Mr. Sun's second such request, and Tron Foundation's first such request.

The Court initially extended BitTorrent Foundation's and Rainberry's responsive pleading deadlines to September 20, 2023. ECF No. 22. Subsequently, Mr. Sun agreed to waive service, and Mr. Sun's responsive pleading deadline was unified with BitTorrent Foundation's and Rainberry's. ECF No. 30. The Court later extended that deadline to December 8, 2023, in part to allow additional time for the parties to address the status of defendant Tron Foundation, which had been legally dissolved but was seeking reinstatement as a Singapore entity. ECF No. 38. Tron Foundation has since been reinstated and executed a service waiver, the request for which was received November 3, 2023 (ECF No. 39), making its current responsive pleading deadline February 1, 2024.¹

¹ The docket entry for Tron Foundation's service waiver incorrectly states that its responsive pleading deadline is January 2, 2024. As a foreign entity who received and executed a service waiver abroad,

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Defendants now request an extension and unification of their responsive pleading deadlines until February 16, 2024. There is good cause for this extension.

First, unifying the four Defendants' responsive pleading deadlines will allow this case to proceed in an organized and efficient manner.²

Second, the requested extension will allow the parties additional time to explore possible resolution of the SEC's claims against Defendants before motion practice. Those discussions are active and ongoing. If no settlement is reached as of the extended date, and discussions remain ongoing, the parties may seek a further extension at that time. If not, Defendants anticipate moving to dismiss, and so a unified response schedule will benefit the Court and parties alike. As noted above, Plaintiff consents to the requested extension.

Sincerely,

FENWICK & WEST LLP

/s/Dean S. Kristy
Dean S. Kristy

cc: All Counsel of Record (Via ECF)

Tron Foundation has ninety (90) days from waiver transmittal to respond, not sixty (60). Fed. R. Civ. Proc. 12(a)(1)(A)(ii).

² There are two additional defendants in this case who are not represented by the undersigned counsel. One, Austin Mahone, settled with the SEC and has been terminated from the action. ECF No. 33. The other, DeAndre Cortez Way, has not appeared thus far, and the Clerk of Court has entered a certificate of default against him. ECF No. 36.